



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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HOUSE WEEK IN REVIEW

Members of the South Carolina House of Representatives returned to Columbia on Tuesday, January 8, to commence the second regular session of the 117th General Assembly.

The House adopted the conference committee report on **S.282**, a bill providing for **PROCUREMENT CODE REVISIONS RELATING TO INFRASTRUCTURE FACILITIES AND SERVICES**. The Senate also adopted the conference committee report and ordered the bill enrolled for ratification. The legislation revises South Carolina's Procurement Code in keeping with recent modifications to the ABA Model Procurement Code for State and Local Governments that were adopted as a means of encouraging the competitive use of new forms of project delivery in public construction procurement.

The House amended, approved, and sent to the Senate **H.3006**, a bill **REVISING BICYCLE TRAFFIC PROVISIONS**. The legislation revises a traffic provision intended to facilitate the overtaking of slow-moving vehicles by faster-moving vehicles and establishes a new requirement that an operator of a motor vehicle shall allow a safe operating distance between the motor vehicle and a bicycle when passing and overtaking a bicyclist. The legislation revises requirements relating to bicycle lanes by providing that whenever a bicycle lane has been provided adjacent to a roadway, operators of motor vehicles may not block the bicycle lane to oncoming bicycle traffic and shall yield to a bicyclist in the bicycle lane before entering or crossing the lane. Operators of bicycles are required to ride in the bicycle lane except when necessary to pass another person riding a bicycle or to avoid an obstruction in the bicycle lane. These provisions may not, however, be construed to restrict operators of bicycles from riding on the roadway when there is an adjacent recreational bicycle path available rather than a bicycle lane. The legislation specifies that a bicyclist is not required to ride on the shoulder of the roadway in order to comply with the requirement of riding as close as practicable to the right-hand curb or edge of the roadway. However, a bicyclist is not prohibited from riding on the shoulder of the roadway. Persons riding bicycles upon a roadway are required to ride single file except on paths or parts of roadways set aside for the exclusive use of bicycles or when passing another person riding a bicycle. The legislation specifies the arm motions that a bicyclist is to employ in order to signal a change in direction or speed. The legislation eliminates the current requirement that a bicycle be equipped with a bell or other device capable of producing an audible signal. Definitions for "bicycle" are revised to include devices propelled solely by pedals, operated by one or more persons, and having two or more wheels, except children's tricycles. Under the legislation, an individual who violates a bicycle traffic provision is guilty of a misdemeanor and must be fined or imprisoned in the discretion of the court. If, however, a collision results from a violation, the court shall consider the violation an aggravating circumstance and impose a penalty accordingly. A citation issued to a violator of bicycle traffic provisions who is at least fifteen years old must include the person's driver's license number or State identification card number.

The House approved and sent to the Senate **H.4403**, a joint resolution **DESIGNATING THE BOILING SPRINGS GEYSER IN SPARTANBURG COUNTY AS A STATE HISTORIC SITE**.

HOUSE COMMITTEE ACTION

There were no full committee meetings that addressed legislation, which is covered by the *Legislative Update*, this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4449 AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO ESTABLISH AN ALLIGATOR CONTROL PROGRAM FOR THE HUNTING AND REMOVAL OF ALLIGATORS FROM PUBLIC LAND
Rep. Umphlett

This bill creates an Alligator Control Program within the Department of Natural Resources, providing for the conditions, penalty for violations and all costs associated with this program. This bill also permits hunting of alligators on private property and waters, with the property owner's consent, under certain conditions.

EDUCATION AND PUBLIC WORKS

H.4401 APPEALS PROCESS REGARDING TRANSFER OF PUBLIC SCHOOL PUPILS IN LIEU OF SUSPENSION OR EXPULSION Rep. F.N.

Smith

Current law provides that the board or a designated administrator may transfer a pupil to another school in lieu of suspension or expulsion but only after a conference or hearing with the parents or legal guardian. Current law also allows the parents or legal guardian to appeal a transfer made by an administrator to the board. This bill provides that the action of the board may also be appealed to the circuit court or other proper court.

H.4408 REVISION OF FRESHMAN REQUIREMENTS TO RECEIVE SCHOLARSHIP ENHANCEMENTS FOR MAJORING IN SCIENCE OR MATH Rep. Skelton

Relating to the Palmetto Fellows Scholarship stipend for students majoring in math or science and the Life Scholarship stipend for students majoring in math or science, this bill revises the course requirements necessary to receive these stipends during a student's freshman year.

H.4441 *PARKING METERS* Rep. Bales

This bill provides that it is unlawful for a municipality that installs devices to meter parking for motor vehicles located within one-fourth mile from an institution of higher learning or a government building to charge more than 25 cents an hour. This meter must allow a person to park at that meter for at least three hours. The fine for an expired meter may not exceed two dollars for a 24 hour period. A municipality violating these provisions shall forfeit its distribution of state aid to subdivisions for the fiscal year in which the violation occurs.

H.4442 *NO FEE FOR PURPLE HEART LICENSE PLATES* Rep. G. Brown

Currently, there is a biennial fee for the issuance of special license plates to recipients of the Purple Heart. This bill provides that there is no fee for the issuance of these special license plates.

H.4451 *ILLEGAL IMMIGRANTS MAY NOT RECEIVE STATE AID FOR EDUCATION* Rep. Ballentine

Relating to definitions and qualifications to receive state aid for education, this bill revises definitions to exclude persons who are not lawfully present in the United States from eligibility to receive state aid for education.

H.4459 *"SOUTH CAROLINA SCHOOL DROP-OUT PREVENTION ACT OF 2008"* Rep. Scott

This bill requires the State Department of Education, with available funds provided by the General Assembly, to establish in conjunction with local school officials, alternative schools in those districts or combination of districts where alternative schools are not yet established and for which there is a justified need. The bill also provides that students who have dropped out of school or who have been expelled or suspended from school may attend alternative schools.

JUDICIARY

H.4400 COMPREHENSIVE IMMIGRATION REFORM Rep. Harrell

This legislation makes numerous revisions pertaining to illegal immigrants. Revisions include, but are limited to, the following areas:

- Illegal Aliens and Public Employment;
- Illegal Aliens Charged with Certain Offenses;
- Registration of Immigration Assistance;
- Illegal Aliens and Public Benefits;
- Prohibition of Sanctuary Cities;
- Wage withholding rates for workers without certain documentation;
- Criminal penalties for harboring illegal immigrants;
- Criminal penalties for illegal immigrants having firearms and for individuals providing illegal immigrants with firearms;
- Civil penalties for employers that terminate a legal worker while retaining a person they know or should know is an illegal alien;
- Prohibition on illegal immigrants attending public institutions of higher learning or receiving certain postsecondary education benefits;
- Requirement that Commission on Minority Affairs establish and maintain a hotline and website for citizens to report allegations of violations of laws committed by or against illegal immigrants; and
- Illegal immigrant status included as a factor in determining bond.

H.4404 UNLAWFUL TO INSTALL, OPERATE OR DISPOSE OF A VEHICLE WITH A FALSE OR SECRET COMPARTMENT Rep. W.D. Smith

This bill provides that it is unlawful to install, operate or sell a vehicle with a false or secret compartment. Criminal penalties are provided for violations.

H.4407 BOUNDARIES OF THE STATE Rep. Walker

This bill makes revisions to the boundaries of South Carolina.

H.4409 MUNICIPAL AND COUNTY ELECTIONS Rep. Herbkersman

This joint resolution authorizes the State Election Commission to conduct a pilot program in which the instant runoff method of voting would be used in municipal and county elections. Instant runoff voting means a system in which a voter ranks up to three of the candidates by order of preference, first, second, or third.

H.4410 DRIVE-THROUGH OR CURB SERVICE SALES OF ALCOHOLIC BEVERAGES Rep. Gullick

This bill repeals the current prohibition on drive-through or curb service sales of alcoholic liquors, beer, or wine.

**H.4430 ENHANCED PENALTY FOR PERSONS WITH SUPERVISORY
AUTHORITY OVER A CHILD WHO COMMIT CERTAIN OFFENSES
AGAINST A CHILD Rep. Talley**

This bill provides that a person with supervisory authority over a child who is convicted of certain offenses (criminal sexual conduct, exploitation of a minor, kidnapping, ect.) against a child shall have his sentence increased by five years in addition to the penalty for the underlying offense. The service of the additional five-year sentence is mandatory and no part of the five-year sentence may be suspended nor probation granted.

**H.4437 EXCEPTIONS WITH REGARDS TO THIRD DEGREE SEXUAL
EXPLOITATION OF A MINOR Rep. G.M. Smith**

This bill provides an exception for the offense of third degree sexual exploitation of a minor for certain state and law enforcement personnel who during the course of an investigation are in possession of material containing visual representations of minors engaging in sexual activity.

**H.4438 DISPOSITION OF FUNDS COLLECTED PERTAINING TO BAIL AND
RECOGNIZANCE Rep. G.M. Smith**

Current law provides that these funds collected must be remitted in the following manner: 25% to the general fund of the State, 25% to the solicitor's office in the county in which the forfeiture is ordered, and 50% to the county general fund of the county in which the forfeiture is ordered. This bill provides that 25% of the funds collected must be remitted to the prosecuting agency rather than the solicitor's office in the county in which the forfeiture is ordered.

**H.4453 FILLING VACANCIES IN CERTAIN OFFICES IN THE EXECUTIVE
BRANCH Rep. Talley**

Current law provides that if a vacancy occurs in certain offices in the executive branch, then the vacancy must be filled by the General Assembly. Under this bill, such vacancies in the executive branch would be filled by the special election provisions outlined in Section 7-13-190.

LABOR, COMMERCE AND INDUSTRY

**H.4406 "SOUTH CAROLINA RESTROOM ACCESS ACT OF 2008"
Rep. Huggins**

This bill enacts the "South Carolina Restroom Access Act of 2008" to provide for access to employee toilet facilities in retail establishments without public restrooms for persons who suffer from medical conditions that require immediate access to restrooms. Civil penalties are provided for violations.

H.4432 EMBLEM IDENTIFYING BUILDING WITH TRUSS CONSTRUCTION
Rep. Limehouse

This bill requires the owner of a building with a floor or ceiling constructed with truss construction to attach to the building an emblem that identifies the building as having truss construction. The legislation provides exceptions to the requirements and specifies the manner in which the required emblem is to be displayed.

WAYS AND MEANS

**H.4398 SALES TAX EXEMPTION FOR CONSTRUCTION MATERIALS USED
IN NEW OR EXPANDED ETHANOL OR BIODIESEL PRODUCTION
FACILITIES** Rep. Mahaffey

This bill exempts from the State sales and use tax construction materials purchased after December 31, 2007, and before January 1, 2013, used in the construction of a new or expanded ethanol and/or biodiesel production facilities. The bill establishes eligibility requirements for the exemption including a capital investment of at least eight million dollars.

**H.4402 "SOUTH CAROLINA ECONOMIC GROWTH STRATEGIC
COORDINATING ACT OF 2008"** Rep. Talley

This bill enacts the "South Carolina Economic Growth Strategic Coordinating Act of 2008" which establishes the South Carolina Coordinating Council for Economic Growth, and provides for the membership, functions, and duties of the council to include the formulation of a statewide economic development strategic plan.

**H.4443 STATE RETIREMENT SYSTEMS DEFINED CONTRIBUTION PLAN
STUDY COMMITTEE** Rep. Gullick

This joint resolution establishes the State Retirement Systems Defined Contribution Plan Study Committee, provides for the committee's membership and duties, and requires the committee to issue a final report and recommendations before September 1, 2008.

H.4444 DATES REVISED FOR THE ANNUAL AUGUST SALES TAX HOLIDAY
Rep. Taylor

This bill moves the date of the annual August sales tax holiday to the Friday, Saturday, and Sunday before the third Monday in August. Under the schedule provided by current law the sales tax holiday runs from the first Friday in August through the following Sunday.

**H.4446 INCLUSION OF SOUTH CAROLINA ATHLETIC COACHES
ASSOCIATION IN STATE HEALTH AND DENTAL INSURANCE
PLANS**

Rep. Pinson

This bill revises the provisions specifying the entities whose employees, retirees, and their dependents are eligible to participate in the State health and dental insurance plans, so as to extend this eligibility to the South Carolina Athletic Coaches Association.

**H.4452 STATE INCOME TAX DEDUCTION ALLOWED FOR IMPACT FEES
AND CHARGES FOR IMPROVEMENTS TO REAL PROPERTY**

Rep. Umphlett

This bill allows a South Carolina income tax deduction for assessments, other than property taxes, imposed on real property in connection with providing services or potential services for the benefit of the property owner. The bill allows a South Carolina income tax deduction for charges for a permit, license, surcharge, or other fee required to be paid to a unit of government in connection with improvements to real property.

H.4460 PUBLIC SCHOOL CONSTRUCTION IMPACT FEES Rep. Hutson

This bill establishes a procedure allowing counties to impose a school construction impact fee to be used to provide a credit against property taxes imposed to pay bonded indebtedness for public school construction. Fee revenues must be deposited by the governing body of the county into a "Public School Construction Trust Fund" which must be used to provide a tax credit against the property tax imposed by or on behalf of the appropriate school districts in the county for the payment of bonded indebtedness for school construction.

H.4462 INCREASE IN HOMESTEAD PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS, THE DISABLED, AND THE BLIND Rep. Clyburn

This bill revises provisions for the homestead property tax exemption for persons over the age of sixty-five years, persons who are totally and permanently disabled, and persons who are legally blind, so as to increase the amount of fair market value of the dwelling that is exempt from property tax from fifty to one hundred thousand dollars.

H.4463 OUT-OF-STATE USE OF LIFE, HOPE, OR PALMETTO FELLOWS SCHOLARSHIP FOR MAJOR NOT OFFERED IN-STATE Rep. Clyburn

This bill provides that a South Carolina resident who otherwise qualifies for the LIFE, HOPE, or Palmetto Fellows Scholarship but who attends school in another state because no public college or university offers his chosen major shall receive the scholarship for which he qualifies to be used for payment of tuition at the out-of-state institution.

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